

# EXHIBIT 2

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

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**TERRELL PARKER and  
others similarly situated,**

**No.: 3:09-0706**

**Plaintiffs,**

**DISTRICT JUDGE ECHOLS**

**v.**

**SUNTRUST BANK, et al,**

**MAGISTRATE JUDGE GRIFFIN**

**Defendants.**

**CLASS ACTION**

**JURY DEMANDED**

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**AFFIDAVIT OF J. BRANDON McWHERTER IN SUPPORT OF PLAINTIFF'S  
MOTION FOR FINAL APPROVAL OF PROPOSED CLASS ACTION SETTLEMENT**

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I, J. Brandon McWherter, under penalty of perjury hereby declare as follows:

1. I am admitted to practice law in the State of Tennessee. I am a member of good standing of the bar in the State of Tennessee, and my Tennessee Board of Professional Responsibility Number is 021600.

2. I graduated from Union University in 1998. I received my juris doctorate degree from the University of Memphis Law School in 2001.

3. I am admitted to practice in the state courts of Tennessee, the United States District Court for the Western District of Tennessee and the United States District Court for the Middle District of Tennessee.

4. I am a partner at the law firm of Gilbert Russell McWherter PLC, which has its headquarters in Jackson, Tennessee and satellite offices in Nashville, Tennessee and Memphis, Tennessee.

5. I am a member of the Tennessee Bar Association, the Tennessee Association for Justice, the American Bar Association, the American Association for Justice, and the Jackson-Madison County Bar Association.

6. I am experienced in litigating consumer class actions. I have worked and am currently working on various consumer class actions in Federal Courts, including, but not limited to the following: *Garland v. Verizon Wireless*, Docket No. 08-4323 (now pending in 3<sup>rd</sup> Circuit Court of Appeals); *Plank v. Abuelos*, Docket No. 07-02442 (W.D. Tenn.), *Todd v. Retail Concepts, Inc.*, Docket No. 07-0788 (M.D. Tenn.); *Pinson v. Murphy Oil*, Docket No. 09-1110 (M.D. Tenn.); *Parker v. First-Citizens*, Docket No. 09-588 (M.D. Tenn.); and *Garland v. Memphis-Shelby County Airport Authority*, Docket No. 09-2749 (W.D. Tenn.).

7. During the notice period, I spoke with one individual that had seen the notice posted on the ATMs at Issue and was inquiring as to the settlement. This individual believed she was a member of the class, was in favor of the settlement, and informed me that she would be submitting a claim. He also said that his family members were also class members and would be submitting a claim.

FURTHER AFFIANT SAITH NOT.



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J. BRANDON MCWHERTER

Sworn and subscribed before me this the 27 day of April, 2010.

